

JUDGE SWAIN

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

08 CV 02377

PATRICIA GAIL LEDDY,

Plaintiffs,

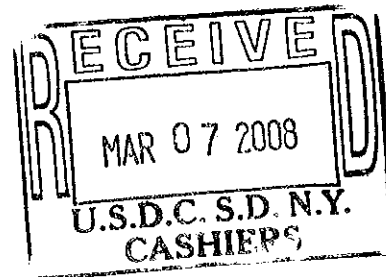
NOTICE OF REMOVAL

-against-

STARR TRANSIT CO. INC. and  
FREDERICK A. GILMER,

Defendants.

TO: SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NEW YORK

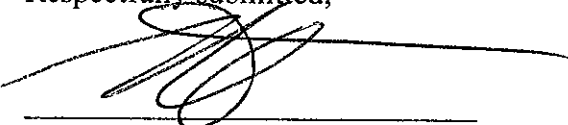


**PLEASE TAKE NOTICE** that on March 6, 2008, defendant STARR TRANSIT CO. INC. and FREDERICK A. GILMER, filed a Petition for Removal with the United States District Court, Southern District of New York.

Dated: New York, New York  
March 6, 2008

Respectfully submitted,

By:

  
MATTHEW J. VITUCCI (6446)  
*Attorneys for Defendants*  
GALLO VITUCCI KLAR  
PINTER & COGAN  
*Attorneys for Defendants*  
STARR TRANSIT CO. INC. and  
FREDERICK A. GILMER,  
90 Broad Street, 3<sup>rd</sup> Floor  
New York, New York 10004  
(212) 683-7100

- TO: LEANDROS A. VRIONEDES, ESQ.  
*Attorneys for Plaintiff*  
381 Park Avenue South, Suite 701  
New York, NY 10016  
(212) 889-9362

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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PATRICIA GAIL LEDDY,

Plaintiffs,

**PETITION FOR REMOVAL**

-against-

STARR TRANSIT CO. INC. and  
FREDERICK A. GILMER,

Defendants.

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TO: JUDGES OF THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK

The Petition of Matthew J. Vitucci, respectfully shows, as follows:

1. The undersigned is the attorney for the defendant Starr Transit Co. Inc. and Frederick A. Gilmer in the above-entitled action now pending in the Supreme Court of the State of New York, County of New York; that service of a Summons and Complaint was made upon defendant, Starr Transit Co. Inc. a New Jersey Corporation with a principal business in Trenton, New Jersey by service of a Summons and Complaint upon the Secretary of State of the State of New York on or about February 7, 2008. Service was made upon Frederick A. Gilmer, a resident of Mt. Laurel, New Jersey by service upon the Secretary of State on February 7, 2008 as well.

2. That the causes of action as set forth in the Complaint seek money damages for personal injuries.

3. In their Complaint, plaintiff seeks to recover damages for personal injury resulting from the alleged negligence in the ownership, operation, management, maintenance and control of a certain vehicle that was involved in an accident that took place at the location of 52<sup>nd</sup> Street at or about the intersection of 9<sup>th</sup> Avenue, New York, New York on December 6, 2006.

4. It is alleged that the defendants were negligent in the ownership and operation of a certain vehicle identified as a 2001 MCI Bus bearing New York registration plate number OXW5639.

5. The plaintiff, Patricia Gail Leddy, resides in New York County, New York.

6. Defendant Starr Transit Co. Inc. is a New Jersey corporation with a principal place of business located in Trenton, New Jersey.

7. Defendant Frederick Gilmer is a New Jersey domiciliary, residing at 3908 Saxony Drive, Mt. Laurel, New Jersey 08054.

8. That this action may be removed to this Court by the defendants pursuant to 28 U.S.C. Section 1441(c) since plaintiffs' action is a civil action where the amount in controversy exceeds the sum of \$75,000 exclusive of interest and costs, and is between citizens of different states.

9. As the residence and situs of incorporation amongst the defendants and plaintiffs establish complete diversity of citizenship and the amount in controversy exceeds the sum of \$75,000 exclusive of costs and interest, the defendants' desire to remove this action from the Supreme Court of the State of New York County of New York, to the United States District Court for the Southern District of New York.

10. The defendants Star Transit Co., and Frederick A. Gilmer attaches hereto a copy of all process and pleadings thus far served herein.

**WHEREFORE**, Defendants Star Transit Co., Inc., and Frederick A. Gilmer prays that the action now pending against them in the Supreme Court of the State of New York, County of New York be removed therefrom to this Court.

Dated: New York, New York  
March 6, 2008

Respectfully submitted,

By: 

MATTHEW J. VITUCCI (6446)  
*Attorneys for Defendants*  
GALLO VITUCCI KLAR  
PINTER & COGAN  
*Attorneys for Defendants*  
STARR TRANSIT CO. INC. and  
FREDERICK A. GILMER,  
90 Broad Street, 3<sup>rd</sup> Floor  
New York, New York 10004  
(212) 683-7100

TO: LEANDROS A. VRIONEDES, ESQ.  
*Attorneys for Plaintiff*  
381 Park Avenue South, Suite 701  
New York, NY 10016  
(212) 889-9362

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

PATRICIA GAIL LEDDY,

Plaintiffs,

**AFFIDAVIT**

-against-

STARR TRANSIT CO. INC. and  
FREDERICK A. GILMER,

Defendants.

STATE OF NEW YORK )  
 ) ss:  
COUNTY OF NEW YORK )

**MATTHEW J. VITUCCI**, being duly sworn, deposes and says:

1. I am a member of the law firm of Gallo Vitucci Klar Pinter & Cohen attorneys for defendant STARR TRANSIT CO. INC. and FREDERICK A. GILMER.

2. Defendant petitions this Court for removal; leave will be sought to amend the caption in this action to read as follows:

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

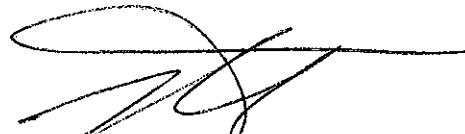
PATRICIA GAIL LEDDY,

Plaintiffs,

-against-

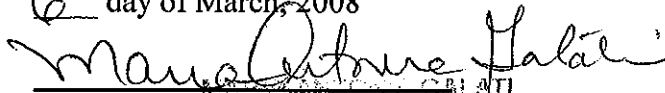
STARR TRANSIT CO. INC. and  
FREDERICK A. GILMER,

Defendants.



**MATTHEW J. VITUCCI (6446)**

Sworn to before me this  
6 day of March, 2008



Notary Public, State of New York  
No. 016444800

Qualified in Richmond County  
Comm. Expires July 31, 2009

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

PATRICIA GAIL LEDDY,

Plaintiffs,

VERIFICATION

-against-

STARR TRANSIT CO. INC. and  
FREDERICK A. GILMER,

Defendants.

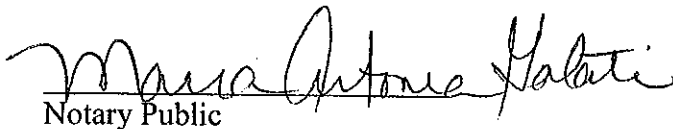
MATTHEW J. VITUCCI, being duly sworn according to law, deposes and says:

That he is one of the attorneys for STARR TRANSIT CO. INC. and  
FREDERICK A. GILMER the within named defendants/petitioners; that he has read the  
foregoing Petition for Removal; and that the statements contained therein are true in substance  
and to my knowledge.



MATTHEW J. VITUCCI (6446)

Sworn to before me this  
6 day of March, 2008.

  
Notary Public

MARIA ANTONIA GALATI  
Notary Public, State of New York  
No. 01GA4748898  
Qualified in Richmond County  
Commission Expires July 31, 2009

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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PATRICIA GAIL LEDDY,

Plaintiff,

-against-

STARR TRANSIT CO. INC. and  
FREDERICK A. GILMER,

Defendants.

---

**NOTICE OF REMOVAL AND PETITION FOR REMOVAL**

---

GALLO VITUCCI KLAR PINTER & COGAN

*Attorneys for Defendants*

90 Broad Street, 3<sup>rd</sup> Floor

New York, New York 10004

Tel: (212) 683-7100

Fax: (212) 683-5555

JUDGE SWAIN

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

PATRICIA GAIL LEDDY,

08 CV 02377

Plaintiffs,

RULE 7.1 STATEMENT

-against-

STARR TRANSIT CO. INC. and  
FREDERICK A. GILMER,

Defendants.

Pursuant to Federal Rule of Civil Procedure 7.1 [formerly Local General Rule 1.9] and to enable District Judges and Magistrate Judges of the Court to evaluate possible disqualification or recusal, the undersigned counsel for STARR TRANSIT CO. INC. and FREDERICK A. GILMER (a private non-government party) certifies the following are corporate parents, affiliates and/or subsidiaries of said party, which are publicly held:

None.

Dated: New York, New York  
March 6, 2008

Respectfully submitted,

By:

MATTHEW J. VITUCCI (6446)  
GALLO VITUCCI KLAR  
PINTER & COGAN  
*Attorneys for Defendants*  
STARR TRANSIT CO. INC. and  
FREDERICK A. GILMER,  
90 Broad Street, 3<sup>rd</sup> Floor  
New York, New York 10004  
(212) 683-7100

TO: LEANDROS A. VRIONEDES, ESQ.  
*Attorneys for Plaintiff*  
381 Park Avenue South, Suite 701  
New York, NY 10016  
(212) 889-9362



UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

---

PATRICIA GAIL LEDDY,

Plaintiff,

-against-

STARR TRANSIT CO. INC. and  
FREDERICK A. GILMER,

Defendants.

---

**RULE 7.1 STATEMENT**

---

GALLO VITUCCI KLAR PINTER & COGAN

*Attorneys for Defendants*

90 Broad Street, 3<sup>rd</sup> Floor  
New York, New York 10004

Tel: (212) 683-7100

Fax: (212) 683-5555

**AFFIDAVIT OF SERVICE**

STATE OF NEW YORK     )  
  ) ss.:  
COUNTY OF NEW YORK    )

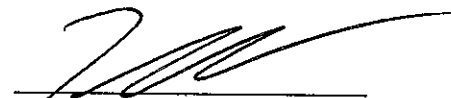
The undersigned being duly sworn, deposes and says that she is not a party to this action, is over the age of 18 years and resides in the County of New York. That on the 12<sup>th</sup> day of March, 2008, she served the within **NOTICE OF REMOVAL, PETITION OF REMOVAL AND RULE 7.1 STATEMENT** upon:

LEANDROS A. VRIONEDES, ESQ.  
*Attorneys for Plaintiff*  
381 Park Avenue South, Suite 701  
New York, New York 10016

by depositing a true copy of same securely enclosed in a post paid wrapper in an official depository under the exclusive care and custody of the United States Post Office Department within the State of New York.

  
Yvette Pagan

Sworn to before me this  
12<sup>th</sup> day of March, 2008

  
\_\_\_\_\_  
Notary Public

THEODORE W. UCINSKI  
Notary Public, State of New York  
No. 01UC5043497  
Qualified in Queens County  
Certificate Filed in New York County  
Commission Expires 7/17/11